

1644



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

p#12

Applicants: Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel

Application No.: 10/043,432

Group Art Unit: 1644

Filed: January 10, 2002

Examiner: Not Assigned

Confirmation No.: 3288

Title: METHODS OF TREATING CACHEXIA WITH CHIMERIC ANTI-TNF ANTIBODIES

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OCT 18 2002

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CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202	
on 10-9-02	<i>Linda M. Amato</i>
Date	Signature
Linda M. Amato	
Typed or printed name of person signing certificate	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents

P.O. Box 2327

Arlington, VA 22202

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

☒ under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☐ under 37 CFR 1.97(c) together with either:

☐ a Statement under 37 CFR 1.97(e), as checked below, or

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:

☐ a Statement under 37 CFR 1.97(e), as checked below, and

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.

(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☐ Copies of the cited references are enclosed.
- ☒ Copies of cited references are enclosed except those entered in prior application, U.S. Application No. 09/927,703, to which priority under 35 U.S.C. 120 is claimed. The earlier applications contains copies of the cited references.
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☒ The "concise explanation" requirement (non-English references) for references AN7 and AO7 under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☒ the enclosed English language abstracts and also reference AH2, which is a U.S. equivalent of AN7. Copies of references AH2, AN7 and AO7 are enclosed in prior application, U.S. Application No. 09/927,703, to which priority under 35 U.S.C. 120 is claimed.
- ☒ Applicant requests that the following pending applications be considered:

Examiner's
Initials

U.S. Patent Application No. 10/227,488, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed August 23, 2002, Docket No.: 0975.1005-025

Examiner

Date

- ☒ [X] The specification for the above cited co-pending application is identical to the present specification (10/043,432). Therefore, only a copy of the current claims for this application is enclosed. Copies of the specifications of the co-pending application will be provided upon request.
- ☐ [] A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ [] A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ [] Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.
- ☒ [X] Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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ATTORNEY DOCKET NO.
0975.1005-017

APPLICATION NO.
10/043,432

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

October 9, 2002

(Use several sheets if necessary)

APPLICANT
Junming Le et al.

FILING DATE
January 10, 2002

GROUP
1644

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
AE2	4,816,567	03/28/89	Cabilly et al.			
AF2	5,075,236	12/24/91	Yone et al.			
AG2	5,959,087	09/28/99	Rathjen et al.			
AH2	5,360,716	11/01/94	Ohmoto, Y. et al.			

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FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
AM7	WO92/01059	23 JAN 92	PCT		
AN7	02-227095	10 SEP 90	JP		X
AO7	61-047500	07 MAR 86	JP		X

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AT11	Yan, L. et al., "Preparation and Characterization of Monoclonal Antibodies Against Recombinant Human Tumor Necrosis Factor Alpha", <i>Chinese J. Biotechnology</i> , 7(2):121-126 (1991).
AU11	Mateo, C. et al., "Removal of Amphipathic Epitopes from Genetically Engineered Antibodies: Production of Modified Immunoglobulins with Reduced Immunogenicity", <i>Hybridoma</i> , 19(6):463-471 (2000).
AV11	Paul, W.E. (Ed.), <i>Fundamental Immunology</i> , 3 rd Edition, Pub. Raven Press Ltd., pp. 292-293 (1993).
AW11	Borrebaeck, C.A.K. (Ed.), <i>Antibody Engineering</i> , 2 nd Edition, Pub. Oxford University Press, p. 291 (1995).
AX11	Socher, S. et al., "Antibodies against amino acids 1-15 of tumor necrosis factor block its binding to cell-surface receptor", <i>Proc. Natl. Acad. Sci., USA</i> 84:8829-8833 (1987).
AY11	Goh, C., "Tumour Necrosis Factors in Clinical Practice", <i>Annals of the Academy of Medicine</i> , 19(2):235-239 (1990).

EXAMINER

DATE CONSIDERED